

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Irrigation & C.A.D. Department – Allegations of corruption against Sri Mulla Ali Saheb, Junior Assistant (Retd.), formerly worked at the office of the Executive Engineer, T.B.P. Division, Adoni, Kurnool District – Departmental action under rule 9 of A.P. Revised Pension Rules, 1980 read with rule 20 of A.P.C.S. (CC & A) Rules, 1991 – Initiated – Further action dropped – Orders – Issued.

IRRIGATION AND COMMAND AREA DEVELOPMENT (SER.VI) DEPARTMENT

G.O.Rt.No. 747

Dated:31.07.2013.
Read the following:-

- 1) From the Director General, Anti-Corruption Bureau, Hyderabad, Letter No.19/RCT/KUR/95, dated 31.03.1995.
- 2) G.O.Ms.No.61, Irrigation & C.A.D. (PW) Department, dated 29.04.1995.
- 3) From the Director General, Anti-Corruption Bureau, Hyderabad, Letter No.19/RCT/-KUR/95, dated 13.12.1995.
- 4) Govt.Memo.No.16811/Ser.VII-1/95-11, dated 23.10.96.
- 5) G.O.Ms.No.100, Irrigation & C.A.D. (Ser.VII) department, dated 15.07.2000.
- 6) From the Executive Engineer, M.I. Works Division (West), Kurnool, Letter No.3C, dated 26.05.2004.
- 7) Govt.Memo.No.2564/Ser.VI(1)/2001-25, dated 29.07.2005.
- 8) From Sri M. Ali Saheb, Junior Assistant representation, dated 17.09.2005.
- 9) G.O.Ms.No.55, Irrigation & C.A.D. (Ser.VI-1) Department, dated 26.07.2006.
- 10) Govt.Memo.No.17209/Ser.VI(1)/2007-29, dated 19.01.2011.
- 11) From the Superintending Engineer, Irrigation Circle, Kurnool, Letter No.GB/EC.II/F./No.322CE, dated 24.06.2013.

ORDER:-

In the reference 1st read above, it has been brought to the notice of Government by the Investigating Agency that Sri D. Subba Rao, Divisional Accounts Officer, T.B.P. Division, Adoni, Kurnool District was caught red-handed by the ACB officials when he demanded and accepted the bribe amount of Rs.500/- from the complainant for showing official favour in expediting the payment of revised incremental arrears and difference of encashment of earned leave. Sri Mulla Ali Saheb, Junior Assistant, Office of the Executive Engineer, T.B.P. Division, Adoni was not caught red-handed as he was not there at the time of trap. Later, when he was questioned by the ACB officials, he too admitted that he has demanded bribe of Rs.300/- from the complainant for doing official favour in that regard.

2. In the reference 2nd read above, orders were issued, by placing Sri Mulla Ali Saheb, Junior Assistant, Office of the Executive Engineer, T.B.P. Division, Adoni under suspension in public interest until conclusion of the disciplinary proceedings.

3. In the reference 3rd read above, the Investigating Agency has recommended to initiate departmental action against Sri Mulla Ali Saheb, Junior Assistant under Rule 3 of A.P.C.S. (Conduct) Rules, 1964.

(P.T.O.)

4. In the reference 4th read above, the Chief Engineer, Major Irrigation, Hyderabad was requested to issue suitable instructions to the Superintending Engineer, Irrigation Circle, Kurnool to initiate disciplinary action against Sri M. Ali Saheb, Junior Assistant as per rules.

5. The suspension case of Sri M. Ali Saheb, Junior Assistant (U/s) was reviewed in terms of G.O.Ms.No.86, General Administration (Ser.C) Department, dated 08.03.1994 and in the reference 5th read above, orders were issued, by reinstating Sri M. Ali Saheb, Junior Assistant into service, without prejudice to the disciplinary proceedings pending against him.

6. The Executive Engineer, M.I. Works Division (West), Kurnool who was appointed as Inquiry Officer to conduct departmental inquiry against Sri M. Ali Saheb, Junior Assistant, has submitted his Inquiry Report vide reference 6th read above, stating that the allegations leveled by Sri B. Rajasekharam, Work Inspector (Retd.) against Sri M. Ali Saheb, Junior Assistant, T.B.P. Division are false.

7. A copy of the Inquiry Report of the Inquiry Officer was communicated to the Accused Officer by deviating with the findings of the Inquiry Officer in the reference 7th read above and Sri M. Ali Saheb, Junior Assistant has submitted his explanation, requesting to drop all further action in the matter, vide reference 8th read above.

8. The explanation submitted by Sri M. Ali Saheb, Junior Assistant was examined and after following due procedure, orders were issued, by imposing the punishment of permanent reduction in pay by two stages on Sri Mulla Ali Saheb, Junior Assistant, vide reference 9th read above.

9. Aggrieved by the above orders, Sri M. Ali Saheb, Junior Assistant has filed O.A.No.3247 of 2007 before the A.P.A.T. and the A.P.A.T. in its order dated 12.03.2010 has set aside the orders issued in G.O.Ms.No.55, Irrigation & C.A.D. (Ser.VI) Department, dated 26.07.2006 holding that the enquiry is vitiated.

10. Aggrieved by the orders of the A.P.A.T. in O.A.No.3247 of 2007, dated 12.03.2010, and in pursuance of the directions of the Government, the Executive Engineer, M.I. Works Division, Nandyal has filed W.P.No.13813 of 2010 in the Hon'ble High Court of Andhra Pradesh. The Hon'ble High Court of Andhra Pradesh, in its judgement dated 29.06.2010 has dismissed the Writ Petition at the admission stage, holding that this court discerns no error in the application of law or the exercise of discretion by the Tribunal in coming to the conclusion that the orders of the State Government in G.O.Ms.No.55, dated 26.07.2006 is vitiated.

11. In the reference 10th read above, the Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad was requested to conduct re-enquiry into the charges framed against Sri M. Ali Saheb, Junior Assistant (Retd.), formerly worked at Office of the Executive Engineer, M.I.W. Division, Nandyal, Kurnool District which would be in line with the orders of A.P.A.T. dated 12.03.2010 in O.A.No.3247 of 2007 and Hon'ble High Court judgement dated 29.06.2010 in W.P.No.13813 of 2010 under the provisions of Rule 9 of A.P. Revised Pension Rules, 1980 read with rule 20 of A.P.C.S. (CC & A) Rules, 1991, duly appointing a competent Inquiry Officer of proven integrity, and also a Presenting Officer, and furnish the Enquiry Report to the Government, for taking further action in the matter.

(continued on page.....3)

12. In the reference 11th read above, the Superintending Engineer, Irrigation Circle, Kurnool has stated that Sri G. Srinivasulu, Executive Engineer, T.B.P. Division, Adoni was appointed as Inquiry Officer vide his office Memo. dated 14.03.2011 and that Sri P. Nagaraj Yadav, Inspector of Police, A.C.B., Kurnool Range, Kurnool was appointed as Presenting Officer vide his office Procs. dated 18.01.2012. After completion of the inquiry, Sri G. Sreenivasulu, Executive Engineer, T.B.P. Division, Adoni & Inquiry Officer has submitted the Inquiry Report stating that the charge is “Not Proved”.

13.. After careful examination of the matter, Government have decided to accept the findings of the Inquiring Authority and to drop further action against Sri Mulla Ali Saheb, Junior Assistant (Retd.), formerly worked at the office of the Executive Engineer, T.B.P. Division, Adoni, Kurnool District, as the charge framed against him held as not proved. Accordingly, Government hereby order to drop further action against Sri Mulla Ali Saheb, Junior Assistant (Retd.), formerly worked at the office of the Executive Engineer, T.B.P. Division, Adoni, Kurnool District, as the charge framed against him held as not proved.

14. The Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Mulla Ali Saheb, Junior Assistant (Retd.), formerly worked at the office of the Executive Engineer, T.B.P. Division, Adoni, Kurnool District through Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad.

The Engineer-in-Chief (A.W.), Irrigation & C.A.D. Department, Hyderabad.

Copy to:-

The Director General, Anti-Corruption Bureau, Hyderabad.

The Accountant General (A & E), Andhra Pradesh, Hyderabad.

The Secretary to Vigilance Commission, A.P. Vigilance Commission, Hyderabad.

SF/SC.